

AMENDMENT TRANSMITTAL LETTER (Small Entity)				Docket No. 0215/US	
Applicant(s): Stephen J. Fantone et al.					
Application No. 09/858,130	Filing Date 5/15/2001	Examiner Nhon Thanh Diep	Customer No. 30333	Group Art Unit 2613	Confirmation No. 1748
Invention: SUBSURFACE VIDEO OBSERVATION SYSTEM					
<div style="display: flex; justify-content: space-between; align-items: center;"> <div> <p style="text-align: center;"><u>COMMISSIONER FOR PATENTS:</u></p> <p>Transmitted herewith is an amendment in the above-identified application.</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>The fee has been calculated and is transmitted as shown below.</p> </div> <div style="text-align: right;"> <p style="font-size: 2em; font-weight: bold;">RECEIVED</p> <p>SEP 10 2004</p> <p>Technology Center 2600</p> </div> </div>					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	20 -	20 =	0 x	\$9.00	\$0.00
INDEP. CLAIMS	2 -	3 =	0 x	\$43.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<p><input checked="" type="checkbox"/> No additional fee is required for amendment.</p> <p><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____</p> <p><input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 03-1150</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
<p><i>Francis J. Caufield</i> Signature</p> <p>Francis J. Caufield Registration No. 27,425 6 Apollo Circle Lexington, MA 02421 Tel: 781 860 5254 Fax: 781 862 9464</p>			<p>Dated: September 2, 2004</p> <div style="border: 1px solid black; padding: 5px;"> <p>I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on 9/2/2004</p> <p style="text-align: center;">(Date)</p> <p style="text-align: center;"><i>Francis J. Caufield</i></p> <p style="text-align: center;">Signature of Person Mailing Correspondence</p> <p style="text-align: center;">Francis J. Caufield</p> <p style="text-align: center;">Typed or Printed Name of Person Mailing Correspondence</p> </div>		
CC:					



CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner For Patents, Box 1450, Alexandria, VA 22313-1450.

Date: September 2, 2004

Signature: Francis J. Caufield

Francis J. Caufield

Registration No. 27,425

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/858,130
Applicant : Stephen J. Fantone, et al.
Filed : May 15, 2001
Title : SUBSURFACE VIDEO OBSERVATION SYSTEM

TC/A.U. : 2613
Examiner : Nhon Thanh Diep

Docket No. : 0215/US

RECEIVED

SEP 10 2004

Technology Center 2600

Mail Stop Amendment
Honorable Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

**RESPONSE AND REQUEST FOR RECONSIDERATION TO
ALLOW APPLICATION**

Sir:

A non-final Office Action was mailed in this application on June 7, 2004 setting a shortened statutory period for a response without extension to expire in three months from the mailing date, or by September 7, 2004. In response to the Office Action of June 7, 2004, please reconsider and pass this application to issue for the reasons to follow.

REMARKS

Under the Office Action, claims 1-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Zernov, et al. (US 6,097,424) in view of Caimi, et al. (US 4,777,501).

By way of this response, it is respectfully requested that the rejection be reconsidered and withdrawn because the Office Action fails to establish a prima facie case of obviousness as required under the rules of the MPEP and established precedent.